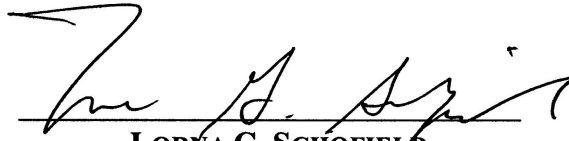


The application is GRANTED. By **May 4, 2021**, Plaintiff shall file his objections to Judge Fox's Report & Recommendation. By **June 4, 2021**, Defendant shall file any response. All submissions shall be per the Individual Rules.

SO ORDERED

Dated: April 6, 2021
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

**CONSENT MOTION FOR EXTENSION OF TIME TO FILE OBJECTIONS
TO THE MARCH 31, 2021 REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE KEVIN NATHANIEL FOX**

TO: The Honorable Lorna G. Schofield:

Plaintiff Peter J. Nygard moves for an extension of time to file any objections to the March 31, 2021 Report and Recommendation of Magistrate Judge Kevin Nathaniel Fox, ECF No. 94, which recommended that Your Honor grant Defendant Louis M. Bacon's motion to dismiss. Defendant consents to Plaintiff's request to extend Plaintiff's deadline to file any objections from April 14, 2021 to an extended deadline of May 4, 2021, and for Defendant to file any response to any objections that Plaintiff files to an extended deadline of June 4, 2021. The grounds for this motion include:

1. On September 10, 2020, Defendant filed a motion to dismiss Plaintiff's First Amended Complaint. ECF No. 85. On November 9, 2020, Plaintiff filed his opposition to Defendant's motion. ECF No. 89. On December 14, 2020, Defendant filed his reply for his motion to dismiss. ECF No. 93.

2. On March 31, 2021, Magistrate Judge Kevin Nathaniel Fox issued his 38-page Report and Recommendation, ECF No. 94, recommending that Your Honor grant Defendant's motion to dismiss.

3. As Magistrate Judge Fox noted on page 38 of his Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties have 14 days from service of Judge Fox's Report and Recommendation to file written objections.

4. Since the filing of the motion to dismiss, Plaintiff has been indicted by the United States Attorneys' Office, and arrested and imprisoned in Canada pending an extradition hearing. On February 5, 2021, a Canadian court concluded a bail hearing for Plaintiff and denied bail. Plaintiff appealed the denial on his bail, and on March 26, 2021, a Canadian court denied his appeal of the denial of his bail. Consequently, Plaintiff will be imprisoned for the foreseeable future. Due to COVID-19, counsel for Plaintiff are physically unable to meet with Plaintiff, in part due to travel restrictions and in part due to the restrictions of the facility in which Plaintiff is imprisoned.

5. Plaintiff's counsel requires additional time beyond 14 days to prepare objections to Judge Fox's Report and Recommendation, and to address the practical and logistical hurdles of communicating with Plaintiff with regard to the objections.

6. Plaintiff's counsel conferred with Defendant's counsel, and Defendant extended the courtesy of consenting to Plaintiff's request for an extension of time to May 4, 2021, and for a commensurate extension to June 4, 2021 for Defendant to file any response to any objections that Plaintiff files on or before May 4, 2021.

7. This is Plaintiff's first request for an extension of time to file objections to Judge Fox's Report and Recommendation,

For these reasons, Plaintiff respectfully submits that good cause exists to extend his time to file any objections to Judge Fox's Report and Recommendation to May 4, 2021, and for Defendant to file any response to any objections that Plaintiff files on June 4, 2021.

Dated: April 5, 2021

Respectfully submitted,

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**

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Counsel for Plaintiff

CERTIFICATE OF CONFERRAL

I HEREBY CERTIFY that on April 2, 2021, I conferred with Defendant Louis M. Bacon's counsel regarding the relief sought in this Motion. Counsel for Defendant extended the professional courtesy of consenting to Plaintiff's requested extension of time, and a commensurate extension of time for Defendant to file any response to any objections that Plaintiff files.

/s/ David M. Ross
David M. Ross, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 5, 2021, I served a copy of the foregoing Consent Motion for Extension of Time to File Objections to the March 31, 2021 Report and Recommendation of Magistrate Judge Kevin Nathaniel Fox to counsel for Defendant through the Court's CM/ECF system.

/s/ David M. Ross, Esq.
David M. Ross, Esq.